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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/713,170	09/12/96	DOBRESKI	D PCD-619
C2M1/0422			EXAMINER
RONALD B COOLLEY ARNOLD WHITE AND DURKEE P O BOX 4433 HOUSTON TX 77210			GARRE, S ART UNIT PAPER NUMBER
			3207
			DATE MAILED: 04/22/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on 12/27/96, 12/9/96, and 1/13/97
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1835 D.C. 11; 453 O.G. 213.
- A shortened statutory period for response to this action is set to expire Three month(s), ~~or thirty days,~~ ~~whichever is longer~~, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-5, 7-13 and 14-18 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-5, 7-12, and 14-18 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2 and 4 (3 sheets)
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

-SEE OFFICE ACTION ON THE FOLLOWING PAGES-

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DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-12, and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duns' British Patent Specification in view of Herrington, Jr. '208.

The embodiment illustrated in Figures 1-5 of Duns discloses all claimed features except for a reclosable fastener. It is noted that Duns describes his bag as being open at the bottom and heat sealed at the top. However, this is merely a difference in nomenclature and not in structure. Note that Figure 2 illustrates a bag mouth 9 located on the end of the bag opposite the header which includes openings 18 (which are formed when a plurality of bags are formed into a pack), heat seal 23, and line of perforations 22 along which each bag may be removed from a pack of bags. Even though Figure 2 illustrates an opening 20 at the end of the bag opposite the bag mouth, this opening is closed when the bags are in a pack. See page 1, lines 11-15, and page 3, lines 44-53.

Herrington discloses a bag having a reclosable fastener.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide each of the bags in Duns' pack of bags shown in Figures 1-5 with a reclosable fastener, as taught by Herrington, because Herrington's fastener provides a convenient way to close a bag.

The method recited in claims 15-17 would have been obvious to one of ordinary skill in the art because the order in which the steps of filling, closing, and tearing are performed provides no new or unobvious result.


3. The remaining patents are cited to show other header bags.

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4. Facsimile correspondence for this application should be sent to (703) 305-3579 or 3580. Any inquiry concerning this communication should be directed to Stephen Garbe at telephone number (703 308-1207.


Stephen P. Garbe
Primary Examiner
Group 3200